

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1829 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 31-9-2-0.5, AS AMENDED BY P.L.133-2000,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2001]: Sec. 0.5. (a) "Abandoned infant", for purposes of
- 6 IC 31-34-21-5.6, means:
- 7 (1) a child who is less than twelve (12) months of age and whose
- 8 parent, guardian, or custodian has knowingly or intentionally left
- 9 the child in:
- 10 (A) an environment that endangers the child's life or health; or
- 11 (B) a hospital or medical facility;
- 12 and has no reasonable plan to assume the care, custody, and
- 13 control of the child; or
- 14 (2) a child who is, or who appears to be, not more than ~~thirty (30)~~
- 15 **forty-five (45)** days of age and whose parent:
- 16 (A) has knowingly or intentionally left the child with an
- 17 emergency medical services provider; and
- 18 (B) did not express an intent to return for the child.
- 19 **(b) "Abandoned infant", for purposes of IC 31-34-21-4 and**
- 20 **IC 31-35-2-6.5, means a child who is, or who appears to be, not**
- 21 **more than forty-five (45) days of age and whose parent:**
- 22 **(1) has knowingly or intentionally left the child with an**
- 23 **emergency medical services provider; and**
- 24 **(2) did not express an intent to return for the child."**

1 Page 1, line 13, delete "has the right to remain anonymous" and
2 insert **"is not obligated to disclose the parent's name"**.

3 Page 2, delete lines 11 through 25, begin a new paragraph and
4 insert:

5 "SECTION 4. IC 31-34-5-1.5 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. (a) This section applies to a
8 child taken into custody under IC 31-34-2.5.**

9 **(b) The juvenile court shall hold a detention hearing after an
10 emergency medical services provider takes custody of a child under
11 IC 31-34-2.5. The court shall hold the detention hearing not later
12 than forty-eight (48) hours after the emergency medical services
13 provider takes the child into custody, excluding Saturdays,
14 Sundays, and legal holidays.**

15 **(c) The county office of family and children may notify the
16 emergency medical services provider that has taken emergency
17 custody of a child under IC 31-34-2.5 of the detention hearing. The
18 emergency medical services provider may be heard at the
19 detention hearing.**

20 SECTION 5. IC 31-34-10-2, AS AMENDED BY P.L.133-2000,
21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2001]: Sec. 2. (a) The juvenile court shall hold an initial
23 hearing on each petition.

24 ~~(b) Subject to section 2.5 of this chapter,~~ The juvenile court shall set
25 a time for the initial hearing. A summons shall be issued for the
26 following:

- 27 (1) The child.
28 (2) The child's parent, guardian, custodian, or guardian ad litem.
29 (3) Any other person necessary for the proceedings.

30 (c) A copy of the petition must accompany each summons. The
31 clerk shall issue the summons under Rule 4 of the Indiana Rules of
32 Trial Procedure."

33 Page 3, delete lines 41 through 42, begin a new paragraph and
34 insert:

35 **"(f) If the parent of an abandoned child does not disclose the
36 parent's name as allowed by IC 31-34-2.5-1(c), the parent is not
37 required to be notified of a proceeding described in subsection
38 (a)."**

39 Page 4, delete line 1.

40 Page 4, between lines 1 and 2, begin a new paragraph and insert:

41 "SECTION 6. IC 31-34-21-5.6, AS AMENDED BY P.L.133-2000,
42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
43 JULY 1, 2001]: Sec. 5.6. (a) A court may make a finding described in
44 this section at any phase of a child in need of services proceeding.

45 (b) Reasonable efforts to reunify a child with the child's parent,
46 guardian, or custodian or preserve a child's family as described in

1 section 5.5 of this chapter are not required if the court finds any of the
2 following:

3 (1) A parent, guardian, or custodian of a child who is a child in
4 need of services has been convicted of:

5 (A) an offense described in IC 31-35-3-4(1)(B) or
6 IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a
7 victim who is:

- 8 (i) a child described in IC 31-35-3-4(2); or
9 (ii) a parent of the child; or

10 (B) a comparable offense as described in clause (A) in any
11 other state, territory, or country by a court of competent
12 jurisdiction.

13 (2) A parent, guardian, or custodian of a child who is a child in
14 need of services:

15 (A) has been convicted of:

- 16 (i) the murder (IC 35-42-1-1) or voluntary manslaughter
17 (IC 35-42-1-3) of a victim who is a child described in
18 IC 31-35-3-4(2)(B) or a parent of the child; or
19 (ii) a comparable offense described in item (i) in any other
20 state, territory, or country; or

21 (B) has been convicted of:

- 22 (i) aiding, inducing, or causing another person;
23 (ii) attempting; or
24 (iii) conspiring with another person;

25 to commit an offense described in clause (A).

26 (3) A parent, guardian, or custodian of a child who is a child in
27 need of services has been convicted of:

28 (A) battery (IC 35-42-2-1 (a)(4)) as a Class B felony;

29 (B) battery (IC 35-42-2-1(a)(3)) as a Class C felony;

30 (C) aggravated battery (IC 35-42-2-1.5);

31 (D) criminal recklessness (IC 35-42-2-2(c)) as a Class C
32 felony;

33 (E) neglect of a dependent (IC 35-46-1-4) as a Class B felony;
34 or

35 (F) a comparable offense described in clauses (A) through (E)
36 in another state, territory, or country;

37 against a child described in IC 31-35-3-4(2)(B).

38 (4) The parental rights of a parent with respect to a biological or
39 adoptive sibling of a child who is a child in need of services have
40 been involuntarily terminated by a court under:

41 (A) IC 31-35-2 (involuntary termination involving a
42 delinquent child or a child in need of services);

43 (B) IC 31-35-3 (involuntary termination involving a
44 individual convicted of a criminal offense); or

45 (C) any comparable law described in clause (A) or (B) in any
46 other state, territory, or country.

- 1 (5) The child is an abandoned infant, provided that the court:
- 2 (A) has appointed a guardian ad litem or court appointed
- 3 special advocate for the child; and
- 4 (B) after receiving a written report and recommendation from
- 5 the guardian ad litem or court appointed special advocate, and
- 6 after a hearing, finds that reasonable efforts to locate the
- 7 child's parents or reunify the child's family would not be in the
- 8 best interests of the child. ~~However, there is a rebuttable~~
- 9 ~~presumption that it is not in the best interests of the child to~~
- 10 ~~locate the child's parent or reunify the child's family if the~~
- 11 ~~child was left with an emergency medical services provider~~
- 12 ~~who took custody of the child under IC 31-34-2.5."~~

13 Page 5, delete lines 27 through 29, begin a new paragraph and
 14 insert:

15 **"(h) If the parent of an abandoned child does not disclose the**
 16 **parent's name as allowed by IC 31-34-2.5-1(c), the parent is not**
 17 **required to be notified of a hearing described in subsection (c)."**

18 Page 5, after line 29, begin a new paragraph and insert:

19 "SECTION 8. IC 31-34-10-2.5 IS REPEALED [EFFECTIVE JULY
 20 1, 2001]."

21 Renumber all SECTIONS consecutively.
 (Reference is to HB 1829 as printed February 21, 2001.)

Representative Aguilera